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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,795	03/31/2004	Kenichi Asada	27,680	7544
23307	7590	03/02/2006		
SYNNESTVEDT & LECHNER, LLP 2600 ARAMARK TOWER 1101 MARKET STREET PHILADELPHIA, PA 191072950			EXAMINER LEE, PATRICK J	
			ART UNIT 2878	PAPER NUMBER

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/813,795	ASADA, KENICHI	
	Examiner	Art Unit	
	Patrick J. Lee	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0304</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,757,125 to Okada et al.

With respect to claim 1, Okada et al disclose a device comprising: detector (8, 23) as a light receiving means for receiving a light beam and outputting a detection signal; phase detector (27) and amplifier (28) as light detection circuit for generating phase information; laser (21) and scanner (22) as a light emitting means for emitting light; moving stand (26) as a detection portion and a support for arranging the light receiving means and the light emitting means; motor (29) as a driving means for moving the moving stand (26). The laser (21) and scanner (22) form an afterimage on body (30). While Okada et al does not explicitly state that the laser (21) and scanner (22)

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emits light based on a detection signal, such would have been obvious to one of ordinary skill in the art in order to ensure that the phase of the output signals of the light detector (23) and that of the scanning device (22) are in proper alignment.

With respect to claim 2, the modified Okada et al illustrate the light receiving means (23) and the light emitting means (21-22) to be arranged close together on detection portion (26).

With respect to claim 3, the use of a X axis direction driving means and a Y axis direction driving means is not explicitly disclosed, but such would have been obvious to one of ordinary skill in the art in order to give the scanning ability of the device additional precision in movement.

With respect to claim 4, the modified Okada et al does not explicitly disclose the adjustment of emission brightness, but such would be obvious to one of ordinary skill in the art because such would grant the device additional versatility and control over the light emitting device.

With respect to claim 5, the modified Okada et al does not explicitly disclose the comparison and peak voltages as such, but such would have been obvious to one of ordinary skill in the art in order to give the device additional ability to detect the phase difference and the generation of the progress versus time charts (See column 6, lines 4-25).

With respect to claim 6, the modified Okada et al does not explicitly disclose the support structure as such, but such would have been obvious to one of ordinary skill in

the art as an obvious design choice because such would allow for compact construction of the device.

With respect to claim 7, Okada et al disclose a device comprising: detector (8, 23) as a light receiving means for receiving a light beam and outputting a detection signal; phase detector (27) and amplifier (28) as light detection circuit for generating phase information; laser (21) and scanner (22) as a light emitting means for emitting light; moving stand (26) as a detection member and a support member for arranging the light receiving means and the light emitting means; motor (29) as a driving means for moving the moving stand (26). The laser (21) and scanner (22) form an afterimage on body (30). While Okada et al does not explicitly state that the laser (21) and scanner (22) emits light based on a detection signal, such would have been obvious to one of ordinary skill in the art in order to ensure that the phase of the output signals of the light detector (23) and that of the scanning device (22) are in proper alignment.

With respect to claim 8, the modified Okada et al illustrate the light receiving means (23) and the light emitting means (21-22) to be arranged close together on detection portion (26).

With respect to claim 9, the use of a X axis direction driving means and a Y axis direction driving means is not explicitly disclosed, but such would have been obvious to one of ordinary skill in the art in order to give the scanning ability of the device additional precision in movement.

With respect to claim 10, the modified Okada et al does not explicitly disclose the adjustment of emission brightness, but such would be obvious to one of ordinary skill in

the art because such would grant the device additional versatility and control over the light emitting device.

With respect to claim 11, the modified Okada et al does not explicitly disclose the comparison and peak voltages as such, but such would have been obvious to one of ordinary skill in the art in order to give the device additional ability to detect the phase difference and the generation of the progress versus time charts (See column 6, lines 4-25).

With respect to claim 12, the modified Okada et al does not explicitly disclose the support structure as such, but such would have been obvious to one of ordinary skill in the art as an obvious design choice because such would allow for compact construction of the device.

### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Lee whose telephone number is (571) 272-2440. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J. Lee  
Examiner  
Art Unit 2878

PJL  
February 27, 2006



**Stephone B. Allen**  
**Primary Examiner**